

REMARKS

SUMMARY

Claims 17, 18, 21, 22, 25, 26, 28, and 31 are pending. Claims 19, 20, 23, 24, 27, 29, and 30 have been previously canceled without prejudice. The amendment of December 21, 2005 has been objected to as allegedly introducing new matter. Claims 17, 18, 21, 22, 25, 26, 28, and 31 have been rejected under 35 U.S.C. § 112 as allegedly indefinite. Claims 17, 18, 21, 22, 25, 26, 28, and 31 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kakehi, U.S. Patent No. 4,664,578 (“Kakehi”), further in view of Parodi et al., U.S. Patent No. 5,651,823 (“Parodi”).

APPLICANTS’ RESPONSE

In this Response, Applicants present arguments concerning the patentability of claims 17, 18, 21, 22, 25, 26, 28, and 31 to address the Examiner’s rejections. Applicants’ silence with regard to any aspect of the Examiner’s rejections of the dependent claims constitutes recognition by the Applicants that the rejections are moot based on Applicants’ remarks relative to the independent claim from which the dependent claims depend.

Claim 17 has been amended to better clarify the claimed subject matter. No new matter is introduced by these amendments. Support can be found, for example, in paragraphs Figs. 1 and 2 and paragraphs [0011], [0025], and [0031].

Applicants have amended the specification for clarity. No new matter is introduced by these amendments.

Objections To The Specification

Applicants have amended paragraph [0021] the specification to recite, *inter alia*, “Fig. 1 shows that the cooling plate, heating plate and the loading station for receiving a wafer cassette may be disposed one in front of the other in a row (e.g., parallel to the rails of the internal handling system).” Applicant submits that no new matter is introduced. Accordingly, Applicants request withdrawal of the objection to the amendment.

35 U.S.C. § 112 REJECTIONS

The Examiner asserts that the term “transverse guide (11)” is allegedly vague. Solely to expedite prosecution, Applicants have amended claim 1 to recite a “guide for lateral and vertical movement of said fork”. Applicants have amended the claim without prejudice and reserve the right to pursue the previous subject matter in further prosecution.

35 U.S.C. § 103 REJECTIONS

A prima facie case of obviousness under 35 U.S.C. § 103 requires: 1) Determining the Scope and Content of the Prior Art, 2) Ascertaining the Differences Between the Claimed Invention and the Prior Art, and 3) Resolving the Level of Ordinary Skill in the Art. MPEP § 2141. The PTO has outlined several ways of establishing a prima facie case of obviousness. *Id.*

A. This Is Not Simple Substitution Of One Known Element For Another To Yield Predictable Results

The Examiner states, “[i]t therefore would have been obvious for one of ordinary skill in the art at the time of the invention to have modified the apparatus of Kakehi by substituting the separate movements of the wafer holding device and the internal handling device with a

stationary holding device and an internal handling device movable with two degrees of freedom.
. . ." Office Action, p. 5

Therefore, the Examiner invokes the rationale of "Simple substitution of one known element for another to obtain predictable results." Applicants submit that the Examiner's reasoning fails to satisfy the PTO's requirements under the foregoing rationale.

The Examiner asserts that *Kakehi* discloses a wafer holding device (table/electrode 12) and an internal handling device (semiconductor substrate elevator 13). Office Action, p. 3. The Examiner alleges that the semiconductor substrate elevator 13 corresponds to the at least one fork of claim 17, the at least one fork recited "to move with at least two degrees of freedom".
Id. at 3-4. The Examiner concedes that *Kakehi* fails to teach the semiconductor substrate elevator 13 moving with two degrees of freedom. *Id.* at 4. The Examiner concludes that it would have been obvious to substitute the rotating table/electrode 12 with a stationary holding device and to combine the stationary holding device with the semiconductor substrate elevator 13 to move wafers in two degrees of freedom. *Id.* at p. 5.

Applicants submit that one of ordinary skill would not have found it obvious to combine the stationary table/electrode 12 with the semiconductor substrate elevator 13 of *Kakehi* to arrive at a device for moving a wafer in two degrees of freedom. First, combining a vertical moving elevator 13 (moving in a single direction) with a stationary table/electrode 12 (resulting in no movement) results, not in movement of a wafer in two directions, but movement of a wafer only in a single, vertical direction.

Second, even assuming that the table/electrode 12 and semiconductor substrate elevator 13 were combined, one of ordinary skill in the art would not understand the combination to achieve predictable results. *Kakehi* discusses the table/electrode 12, asserted as one element of the combination, as functioning to hold the substrate during processing as well as to serve as an

electrode through which a current passes in order to turn the emitted gases into plasma. *Kakehi*, col. 6, line 45- col. 7 line 20.. As recited in claim 17, the fork is “arranged to move said wafers between said cooling plate and said heating plate”. Once the wafer is transferred to the heating plate, the wafer is heated and processed. Specification, para. [0009]. If the table/electrode 12 is used to hold a substrate for processing, it would not also be understood to transfer the substrate to a holder for processing. Therefore, the combination of the table/electrode 12 and the semiconductor substrate elevator 13 would not be understood to achieve predictable results because one of ordinary skill in the art would not have combined these elements together.

Accordingly, nothing in *Kakehi* or *Parodi*, taken alone or in combination, shows or suggests at least one fork “to move with at least two degrees of freedom” as recited in claim 17. Applicants therefore request withdrawal of the rejections to claim 17, and by virtue of their dependence therefrom, claims 18, 21, 22, 25, 26, 28, and 31.

B. This Is Not Combining Prior Art Elements According To Known Methods To Yield Predictable Results

As amended, claim 17 recites, *inter alia*, “the cooling plate, the heating plate, and the loading station are arranged in a row one behind the other with the cooling plate in front of the heating plate.” Nothing in *Kakehi* or *Parodi*, taken alone or in combination, shows or suggests this feature. Accordingly, Applicants request withdrawal of the rejections to claim 17, and by virtue of their dependence therefrom, claims 18, 21, 22, 25, 26, 28, and 31.

CONCLUSION

Applicants respectfully submit that this application is now in condition for allowance.

Reconsideration and prompt allowance of which are respectfully requested.

The Examiner is invited to contact the undersigned at (212) 408-2517 if any additional information or assistance is required.

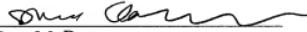
Applicants believe that no additional fee is due in connection with the filing of this response other than the fee for the three month extension. If any additional fee is due, or overpayment made, with regard to this response, Applicants authorize the Director to charge any such fee, and credit any overpayment, to Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

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Date


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